



PCT

DT13 Rec'd PCT/PTO 02 JUN 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOMES SANCHES, E. et al.

Atty. Ref.: 3673-16

Serial No. 10/031,952

Group: Unassigned

Filed: January 24, 2002

Examiner: Unassigned

For: A BIOINSECTICIDE FORMULATION CONSISTING OF BACILLUS  
THURINGIENSIS VAR ISRAELENIS, AND ITS CONCERNING  
MANUFACTURE PROCEEDINGS

\* \* \* \* \*

June 2, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Notification of Missing Requirements dated May 9, 2003, (copy attached), the applicants submit the requisite Declaration was filed on April 9, 2002. A copy of the undersigned's previous submission of April 9, 2002, with a copy of the Declaration filed on the same, and a copy of the undersigned's Post Card receipt from the filing, are attached for the convenience of the Office. The Office is requested to advise the undersigned if anything further is required in this regard.

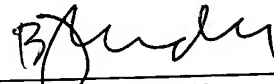
An early and favorable Action on the merits of the claimed invention is requested.

GOMES SANCHES, et al.  
Serial No. 10/031,952

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff  
Reg. No. 36,663

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Please type a plus sign (+) inside the



PTO/SB/121 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

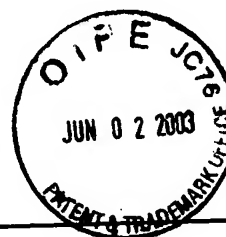
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# CORRESPONDENCE ADDRESS INDICATION FORM

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Request for Customer Number (PTO/SB/125) submitted herewith.

in the following listed application(s) or patent(s):

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	10/031,952		January 24, 2002

(check one)



Applicant or Patentee



Assignee of record of the entire  
interest. Statement under 37 C.F.R. §  
3.73(b) is enclosed. (Form  
PTO/SB/96)



Attorney or Agent of record

36,663

(Reg. No.)

Typed or  
Printed Name

B. J. Sadoff

Signature

Date

June 2, 2003

Address of signer:

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, VA 22202

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.\*

☒ \*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Assistant Commissioner of Patents, Box CN, Washington, DC 20231.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,952	E. Gomes Sanches	3673-16

INTERNATIONAL APPLICATION NO.
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PCT/BR01/00063

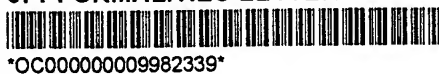
LA. FILING DATE	PRIORITY DATE
05/24/2001	05/24/2000

B J Sadoff  
 Nixon & Vanderhye  
 1100 North Glebe Road  
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 Arlington, VA 22201-4714

3673-16  
 5-9-03  
 JUL 9, 2003  
 DEC 9, 2003  
 DOCKETED BY [signature]

CONFIRMATION NO. 8655

371 FORMALITIES LETTER



\*OC000000009982339\*

Date Mailed: 05/09/2003

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/24/2002
- Copy of the International Search Report filed on 01/24/2002
- Information Disclosure Statements filed on 01/24/2002
- Request for Immediate Examination filed on 01/24/2002
- U.S. Basic National Fees filed on 01/24/2002

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Copy

Telephone: (703) 305-3693

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,952	PCT/BR01/00063	3673-16

FORM PCT/DO/EO/905 (371 Formalities Notice)

FORM PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER <b>3673-16</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/031,952</b>
INTERNATIONAL APPLICATION NO. <b>PCT/BR01/00063</b>	INTERNATIONAL FILING DATE <b>24/05/2001</b>	PRIORITY DATE CLAIMED <b>24/05/2000</b>

TITLE OF INVENTION  
**A BIOINSECTICIDE FORMULATION CONSISTING OF BACILLUS THURINGIENSIS VAR ISRAELENIS, AND ITS CONCERNING MANUFACTURE PROCEEDINGS**

**Copy**

APPLICANT(S) FOR DO/EO/US  
**GOMES SANCHES, E. et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the international Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 To 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/031.952</b>	INTERNATIONAL APPLICATION NO <b>PCT/BR01/00063</b>	ATTORNEY'S DOCKET NUMBER <b>3673-16</b>
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b> -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1040.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$890.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO .....\$740.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00  <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 0.00</div>	Copy
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Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$	0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	20	-20 =	0	X \$18.00 \$ 0.00
Independent Claims	3	-3 =	0	X \$84.00 0.00
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$280.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =			\$	0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				
SUBTOTAL =			\$	0.00
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).				
TOTAL NATIONAL FEE =			\$	0.00
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				
TOTAL FEES ENCLOSED =			\$	40.00
			Amount to be:	
			refunded	\$
			Charged	\$

a. ☒ A check in the amount of \$40.00 to cover the above fees is enclosed.  
 b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this form is enclosed.  
 c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.  
 d. ☒ The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.

**NOTE:** Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

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 Telephone: (703) 816-4000  
 BJS:eaw

(to)

B. J. Sadoff

NAME

36,663

REGISTRATION NUMBER

April 9, 2002

Date

Copy

Serial No.: 10/031952  
Applicant: Gomes Sanchey et al  
Title: A Biosecticide Formulating  
Consisting of Bacillus...  
Atty: BJJ  
Date: 4/9/02  
Client: 3673-16  
Ref: 3673-16

☐ Amendment  
☐ Pages Specification  
☐ Claims  
☐ Sheets Drawings: Formal \_\_\_\_\_  
Informal \_\_\_\_\_  
☒ Declaration (2 Pages)  
☒ Assignment  
☐ Priority Document  
☒ Base Issue Fee Transmittal  
40.00 Fee (Check)



Other: